IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 8TH JANUARY 2007 / 18TH PAUSHA 1928

WP(C).No. 33996 of 2006(V)

PETITIONERS:
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1. T.P. MOOSAKUTTY, S/O.MOHAMMED,
AGED 43 YEARS, THOTTAKKARA PALLIYALIL HUOSE,
KOLAMANGALAM, VALANCHERRY P.O., MALAPPURAM DIST.

2. T.P. MOIDEENKUTTY, S/O.MOHAMMED,
AGED 38 YEARS, THOTAKKARA PALLIYALIL HOUSE,
KOLAMANGALAM, VALANCHERRY P.O.,MALAPPURAM DISTRICT

BY ADV. SRI.K.GOPALAKRISHNA KURUP

RESPONDENTS:
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1. DISTRICT COLLECTOR, MALAPPURAM.

2. DISTRICT SUPERINTENDENT OF POLICE, MALAPPURAM.

3. CIRCLE INSPECTOR OF POLICE, VALANCHERRY.

4. SUB INSPECTOR OF POLICE, VALANCHERRY.

5. P.T. ABDURAHMAN, S/O.MAMMUKUTTY HAJI,
PATHODY HOUSE, VALANCHERRY P.O.,MALAPPURAM DIST.

6. K.P.HYDROSE, S/O.MUHAMMED,
KIZHAKATHU PARAMBIL, MUKKILEPEEDIKA, VALANCHERRY.

7. ASHRAF ALI, S/O.MOIDU,
KALIYATH, M.E.S. HIGHER SECONDARY SCHOOL,
VENDALLOOR, IRUMBILIYAM.

8. P. NANU MASTER,
A.U.P. SCHOOL, VAIKATHOOR, VALANCHERRY.

9. V.V. SANALKUMAR,
VAZHUTHANAPPALLY ILLAM, VALANCHERRY P.O.,
A.U.P. SCHOOL, VAIKATHOOR.

10. THE SECRETARY,
VALANCHERRY GRAMA PANCHAYATH.

R9, R10 BY ADV. SRI.C.V.MANUVILSAN
SRI.P.K.KHALEEMUDHEEN
SRI.K.S.BABU
SMT.N.SUDHA
R5 & R6 SRI.BABU PAUL
R7 & R8 SRI.K.P.MUJEEB
R1 TO R4 BY G.P.SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.33996/2006

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1: TRUE COPY OF THE PROCEEDINGS OF THE DISTRICT COLLECTOR DATED 2.6.2005.

EXT.P2: TRUE COPY OF THE LETTER TO THE DISTRICT COLLECTOR BY THE GEOLOGIST DATED 4.5.2005.

EXT.P3: TRUE COPY OF THE JUDGMENT DATED 7.6.2005IN W.P.(C) NO.8797/2005.

EXT.P4: TRUE COPY OF THE JUDGMENT DATED 17.8.2005 IN W.P.(C) NO.18110/2005.

EXT.P5: TRUE COPY OF THE JUDGMENT DATED 1.8.2005 IN W.P.(C) NO.20223/2005.

EXT.P6: TRUE COPY OF THE PETITION FILED BY THE PETITIONERS BEFORE THE SUB INSPECTOR OF POLICE, VALANCHERRY.

EXT.P7: TRUE COPY OF THE PETITION FILED BY THE PETITIONERS BEFORE RESPONDENTS DATED 23.7.2006.

EXT.P8: TRUE COPY OF THE ORDER DATED 8.9.2006 PASSED BY THE DISTRICT COLLECTOR.

RESPONDENTS' EXHIBITS:

EXT.R5: TRUE COPY OF THE MINUTES OF THE MEETING HELD ON 1.1.07 OF VALANCHERRY PANCHAYAT.

// TRUE COPY //

TKS

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

W.P.(C)No.33996 OF 2006

Dated 8th January, 2007

JUDGMENT

Koshy,J.

This is a petition for police protection to continue the work of removal of soil for levelling the land belonging to the petitioners for the proposed bus-stand at Valancherry without being obstructed by respondents 5 to 9 or their men. Respondents 7 and 8 filed a counter affidavit stating that they are not obstructing the same. Other respondents also denied the allegations. It is also stated by them that the Panchayat has not signed the agreement with the petitioners so as to construct the bus-stand and W.P.(C)No.33588 of 2006 is pending. We are not expressing any opinion regarding the merits of that case in this writ petition. If the Panchayat has signed the agreement with the petitioners, Police should grant protection so that work of removal of soil for levelling the land up to road level can be done strictly complying with the conditions of Exts.P1 and

P8 unless there are prohibitory orders from civil court or statutory authority.

The writ petition is disposed of accordingly.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

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